

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

HERMAN TRACY CLARK, )  
vs. )  
Plaintiff, )  
MICHAEL T. OAKLEY and )  
OKLAHOMA DEPARTMENT )  
OF CORRECTIONS, )  
Defendants. )  
No. CIV-11-946-C

## ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to a United States Magistrate Judge, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Bana Roberts entered a Report and Recommendation on July 27, 2012, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and relevant law are set out in full in the accurate and well-reasoned opinion of the Magistrate Judge and no point would be served in repeating that analysis. In his objection, Plaintiff asserts nothing which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth in the objection which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, Defendants' Motion to Dismiss (Dkt. No. 19) is granted, as follows: Plaintiff's claims for money damages against Defendants in their official capacities are dismissed without prejudice; his due process claim is dismissed with prejudice; and his equal protection claim is dismissed without prejudice. Plaintiff's request for injunctive relief (liberally construed to be included in the amended complaint) is dismissed without prejudice. Plaintiff's Motion to Amend (Dkt. No. 24) and Motion for Appointment of Counsel (Dkt No. 29) are denied. A judgment will enter accordingly.

IT IS SO ORDERED this 21st day of August, 2012.



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ROBIN J. CAUTHRON  
United States District Judge